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Attorney for Plaintiff Gregory Bender

6 Attorneys for Defendant
7 International Business Machines
Corporation

E-FILED - 7/29/10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 || Gregory Bender,

Plaintiff,

V.

15 International Business Machines Corporation,

Defendant.

Case No. C09-01249-RMW

**STIPULATED REQUEST AND
[] ORDER TO
RESCHEDULE FURTHER CASE
MANAGEMENT CONFERENCE**

18 Pursuant to Civil L.R. 6-2, Defendant International Business Machines Corporation
19 (“Defendant”) and Plaintiff Gregory Bender (“Plaintiff”) through their respective counsel, hereby
20 jointly request that the Court change the time for the parties’ Further Case Management
21 Conference, currently scheduled on July 30, 2010, at 10:30 a.m., to September 3, 2010, at 10:30
22 a.m., or anytime thereafter.

WHEREAS, pursuant to the June 2, 2010 Clerk's Notice of Continuance of Case Management Conference, (D.I. 70), a Further Case Management Conference in this action is scheduled for July 30, 2010 at 10:30 a.m. in the San Jose Division.

26 WHEREAS, a hearing on a motion in one of plaintiff's parallel cases in this district,
27 *Bender v. Maxim Integrated Products, Inc.*, 3:09-cv-01152-SI, is scheduled on the same day as

1 the Further Case Management Conference, July 30, 2010, at 9:00 a.m. in the San Francisco
2 Division.

3 WHEREAS, plaintiff's counsel is a sole practitioner, who may be unable to attend
4 hearings in both the San Jose and San Francisco division in the same morning.

5 WHEREAS, the requested time modification would have no effect on the schedule for the
6 case as no schedule has yet been entered in this case.

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8 THE PARTIES HEREBY JOINTLY REQUEST THAT:

9 1. The Further Case Management Conference that is currently scheduled on July 30,
10 2010, at 10:30 a.m., be rescheduled for September 3, 2010, at 10:30 a.m., or anytime thereafter.

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1 Respectfully submitted,
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3 Dated: July 23, 2010 Jones Day
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5 By: /s/ Gregory Lippetz

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11
12 Counsel for Defendant International Business
Machines Corporation

13 In accordance with General Order No. 45, Section X(B), the above signatory attests that
14 concurrence in the filing of this document has been obtained from the signatory below.

15
16 Dated: July 23, 2010

By: /s/ David Kuhn

17 David N. Kuhn
18 Attorney-at-Law
144 Hagar Avenue
19 Piedmont, California 94611
Telephone: (510) 653-4983

20 Counsel for Plaintiff Gregory Bender
21

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

23
24 Dated: 7/29, 2010

25 By: Ronald M. Whyte
26 THE HON. RONALD M. WHYTE
United States District Court Judge
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